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C O N F I D E N T I A L SECTION 01 OF 03 TAIPEI 000010

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SUBJECT: TIBETANS END SIT-IN, TAIWAN TO ISSUE TEMPORARY
RESIDENT CERTIFICATES

REF: TAIPEI 1700

Classified By: AIT Director Stephen M. Young,
Reasons 1.4 (b/d)

¶1. (C) Summary: A group of 107 ethnic Tibetans, who ended their 24-day outdoor sit-in on January 1, are now waiting for temporary residence permits that the government has promised to issue on January 9. The Tibetans arrived in Taiwan at different times since 2002, generally bearing travel documents, legal or otherwise, issued in Nepal or India. Overstaying their temporary visas, many have worked illegally, making them especially vulnerable to job loss during the current economic downturn. Their difficult situation has been compounded by the lack of health insurance and access to social services. The temporary resident certificates do not grant the right to work. The Mongolian and Tibetan Affairs Commission (MTAC) and Ministry of Interior (MOI) have agreed on a draft amendment to the Immigration Act, which would allow the Tibetans to obtain permanent residency status. Although the proposed amendment is on the agenda of a Legislative Yuan (LY) committee, it is not a priority bill and so may not pass until the next LY session, which begins in February. (Note: Taiwan does not yet have a refugee law.) End Summary.

Tibetans End Sit-In at Liberty Square

¶2. (C) A group of about 110 ethnic Tibetans seeking residency in Taiwan ended their 24-day outdoor sit-in at Liberty Square (AKA Chiang Kai-shek Memorial) on January 1, moving to an empty factory building provided by a private citizen in nearby Taoyuan County. The Tibetans agreed to the move, which was arranged by the police, in response to persuasion by the MTAC and the MOI National Immigration Agency (NIA). According to the press, more than half of the Tibetan group had come down with heavy colds or flu after staying outside in weather that has sometimes been cold and wet. The NIA has announced it will issue temporary alien resident certificates

to 107 Tibetans on January 9, with the certificates to be distributed by the MTAC. The temporary resident certificates, which do not grant the right to work, are intended as a stop-gap measure until the Immigration Act is revised to provide a permanent solution to the Tibetans' residency problem. MTAC and MOI have reached consensus on a draft amendment to Article 16 of the Immigration Act that would enable the Tibetans to obtain the rights of permanent residency, employment, and health insurance. The draft amendment, which is on the agenda for the January 8 meeting of the LY's Internal Affairs Committee, is not a priority bill and so may not necessarily pass the LY this session, which ends January 13.

13. (C) The Tibetans began their sit-in at Liberty Square on December 9, calling on the authorities to grant them legal resident status or work permits. In the early hours of December 12, the police cleared the square of the Tibetans and a separate group of student protesters participating in the "Wild Strawberry Movement." (Note: The Wild Strawberry Movement, which began in early November, is a student protest against alleged police violence toward demonstrators, including students, during the early November visit of PRC official Chen Yunlin. See reftel.) Following their removal from the square, eight of the Tibetans came to AIT on December 12 and delivered a letter, with no specific addressee, from Mr. Jamga, president of the Taiwan Tibetan Welfare Association, asking in general terms for support for the Tibetans.

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14. (C) In a meeting with AIT in December, MTAC Secretary General Chien Shih-yin suggested that the Tibetans had been caught up in the police attempt to disperse remnants of the Wild Strawberry Movement. Subsequently, the police complied with MTAC's request to bring the Tibetans back to the square and leave them alone. Chien expressed concerns about health problems (including tuberculosis) and noted that MTAC was providing some food assistance and looking for a temporary shelter for the Tibetan demonstrators.

Background

15. (C) Chien said the Tibetans had arrived at different times since 2002, coming to Taiwan for various purposes: tourism, business, religion, and visiting relatives. Most of them had traveled on Nepalese or Indian passports or Indian travel documents issued to Tibetan refugees. Some travel documents may have been purchased illegally or even forged. After overstaying their visas, the Tibetans typically had hidden or destroyed their travel documents to make it difficult or impossible to repatriate them to their country of origin. It is possible, Chien said, that some individuals from Nepal claiming to be Tibetans may in fact be Nepalese who had learned a few words of Tibetan. Chien also noted that there could be more Tibetans than the approximately 110 who have come forth since immigration records indicate there are approximately 200 overstayers from Nepal and India in Taiwan. According to Chien, Taiwan's security services had raised some concerns about the bona fides of certain Tibetans in Taiwan who had only recently departed Tibet for Nepal.

16. (C) In 2001, Chien recalled, Taiwan had granted residency to another group of 113 Tibetans who were seeking to stay in Taiwan. Then, as today, the Tibetans had used demonstrations and the media to press their case for residency with the Taiwan government. However, the law was less developed at that time, making it easier for the government to approve their residency on an ad hoc basis.

Need to Amend the Immigration Act

17. (C) Under the Immigration Act, Tibetans bearing passports

of other countries are regarded as nationals of those countries, Chien noted. Moreover, Taiwan does not yet have a refugee law, which would allow individuals to apply for asylum. Since the Tibetans had destroyed or hidden their passports, they lacked proper documentation, making it impossible for Taiwan to repatriate them to the countries they had come from. The Tibetans wanted to stay in Taiwan and had been working illegally to support themselves, Chien explained, but the current economic downturn made it hard for them to find work.

18. (C) While other agencies such as the Foreign Ministry were at first inclined to treat the Tibetans as illegal aliens, Chien had persuaded them that the Immigration Act should be amended to provide an exception that would allow the Tibetans to remain in Taiwan. MTAC, Chien said, was working with the Foreign Ministry, MOI, and NIA to amend the Immigration Act so as to add Tibetans to a special category of persons eligible for legal residency. He hoped the proposed amendment could be passed by the Legislative Yuan (LY) within the next six months. MTAC would have to verify that the individuals were in fact Tibetans, he added. (Note: Immigration Act Article 16 has a provision for residency for stateless ethnic Chinese from Thailand, Burma, and Indonesia who entered Taiwan prior to May 21, 1999, the date the act took effect. Following protests in mid-2008 by a group of

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several hundred ethnic Chinese students from Thailand and Burma who had arrived in Taiwan after the 1999 cut-off date, the NIA agreed to issue them temporary one-year overseas compatriot residence permits and to promote an amendment to the act that would provide a long-term solution.)

The MTAC

19. (C) Chien noted that the KMT central government brought the MTAC to Taiwan in 1949 as a symbol of its claimed sovereignty over Tibet and Mongolia. At one time the MTAC was active in bringing a small number of Tibetan students to Taiwan but in recent years, the commission has turned its focus to social and cultural outreach programs, including to overseas Mongolian and Tibetan communities. MTAC also provides funds for NGOs to provide health assistance to Tibetan monks in monasteries in south Asia, and it hosts some visits by Tibetan scholars from China. According to Chien, about 400 Tibetans have permanent residence in Taiwan, and in recent years there have been increasing numbers of Tibetan Buddhist monks from the exile community visiting Taiwan and more Taiwan visitors to Dharamshala.

110. (C) The Tibetan government-in-exile traditionally opposed the MTAC and Taiwan's policy toward Tibet, Chien noted. When the Dalai Lama paid his first visit in 1997, he asked Taiwan to abolish the MTAC and wanted to have relations with the Foreign Ministry. As a result of the visit, the Dalai Lama was allowed to set up a representative office in Taipei, the Religious Foundation of His Holiness the Dalai Lama, and Taiwan set up a counterpart Tibet Foundation. The Dalai Lama visited Taiwan a second time in 2001, but he turned down several other invitations from then President Chen Shui-bian because the visits might damage his efforts to improve relations with Beijing or the timing in Taiwan was too political.

111. (C) Chien also noted the controversy over President Ma Ying-jeou's recent statement that this would not be a good time for the Dalai Lama to visit Taiwan. Chien said it was natural for the Dalai Lama to respond that he would like to visit Taiwan when he was asked by visitors. However, the Dalai Lama would not visit Taiwan in 2009 because of the sensitivity of cross-Straits developments and the riots and disturbances in Tibetan areas in China last year. Chien acknowledged, however, that Ma's initial statement was overdone.

Comment

¶12. (C) While some individuals and the DPP caucus have expressed support for the Tibetan demonstrators, there has not been a great deal of general public interest in the issue here, perhaps because Tibet seems remote both geographically and culturally to the Taiwanese. When we visited Liberty Square on a warm Sunday afternoon (Dec. 21), we saw no media and no Taiwan spectators or onlookers at the Tibetan site, although there were a handful of onlookers at a nearby smaller demonstration by the Wild Strawberry students.
SYOUNG